



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,367	08/01/2003	Benjamin S. Akkad	9874-24U1	3987

570 7590 03/30/2004

AKIN GUMP STRAUSS HAUER & FELD L.L.P.  
ONE COMMERCE SQUARE  
2005 MARKET STREET, SUITE 2200  
PHILADELPHIA, PA 19103-7013

EXAMINER

SANTOS, ROBERT G

ART UNIT PAPER NUMBER

3673

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/632,367

Applicant(s)

AKKAD, BENJAMIN S.

Examiner

Robert G. Santos

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34, 38 and 39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34, 38 and 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 08012003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-9, 13-16, and 19-27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Pope '783 (note especially Figures 1-3 & 5; column 2, lines 38-67; column 3, lines 1-30).

3. Claims 1-13 and 19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Pat. No. 5,618,110 to Sullivan (note especially Figures 1-7; column 4, lines 29-67; and column 5, lines 1-51).

4. Claims 28, 29, 31, and 33 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Pringle '942 (note especially Figures 1, 3, & 9; page 1, lines 54-75; and page 2, lines 25-40).

5. Claims 28, 29, 31 and 33 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by MacColl '638 (note Figures 1 & 4-15; column 3, lines 21-30 & 62-67; column 4; column 5, lines 1-42).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pope '783 in view of Sullivan '110. Pope '783 does not specifically disclose a condition wherein at least the first piece of fabric (12) displays graphic designs. Sullivan '110 provides the basic teaching of a combined fabric wrap and carry bag (10) including a first piece of fabric (12) which displays graphic designs (12c). The skilled artisan would have found it obvious at the time the invention was made to provide the combined fabric wrap and carry bag of Pope '783 with at least a first piece of fabric which displays graphic designs "for aesthetic and decorative purposes" as desired (see Sullivan '110, column 3, lines 29-31).

8. Claims 14-16 and 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan '110 in view of Pope '783. As concerns claims 14, 15, 20, and 21, Sullivan '110 lacks the use of an inflatable pillow sized to fit into the first pocket (14). Pope '783 provides the basic teaching of a combined fabric wrap and carry bag (10) including an inflatable pillow (26) sized to fit into a first pocket (32). The skilled artisan would have found it obvious at the time the invention was made to provide the combined fabric wrap and carry bag of Sullivan '110 with an inflatable pillow sized to fit into the first pocket in order to provide enhanced user comfort (when the first piece of fabric configured as a support device).

Art Unit: 3673

With regards to claims 16 and 22-27, Sullivan '110 also does not specifically disclose the use of a second pocket attached to the first piece (12) opposite an edge proximate the first pocket (14) and an inflatable pillow which may be inserted into one of the first pocket and the second pocket, wherein the second pocket includes at least one closure selected from the group consisting of zippers, buttons and hook and loop fabric fasteners. Pope '783 provides the basic teaching of a combined fabric wrap and carry bag (10) including a second pocket (18 or 20) attached to the first piece opposite an edge proximate a first pocket (32) and an inflatable pillow (26) which may be inserted into one of the first pocket and the second pocket, wherein the second pocket includes at least one closure (28) selected from the group consisting of zippers, buttons and hook and loop fabric fasteners. The skilled artisan would have found it obvious at the time the invention was made to provide the combined fabric wrap and carry bag of Sullivan '110 with a second pocket attached to the first piece opposite an edge proximate the first pocket and an inflatable pillow which may be inserted into one of the first pocket and the second pocket, wherein the second pocket includes at least one closure selected from the group consisting of zippers, buttons and hook and loop fabric fasteners in order to provide enhanced comfort for another user supported on the first piece of fabric (when the first piece of fabric is configured as a support device) as desired.

9. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan '110 in view of Pope '783 as applied to claim 16 above, and further in view of Storie '609. Sullivan '110, as modified by Pope '783, does not specifically disclose a condition wherein the second pocket extends away from the first piece of fabric and free edge. Storie '609

Art Unit: 3673

provides the basic teaching of a combined fabric wrap and carry bag having a plurality of pockets (11 & 12, 33), wherein each pocket may be used as a cover for an inflatable pillow, further wherein one of the pockets (11 & 12) may also be selectively pivoted relative to a first piece of fabric (16) such that it extends away from the first piece and a free edge proximate thereto. The skilled artisan would have found it obvious at the time the invention was made to provide the combined fabric wrap and carry bag of Sullivan '110, as modified by Pope '783, with a second pocket which extends away from the first piece of fabric and free edge in order to accommodate further a greater number of users of various heights as desired.

10. Claims 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacColl '638 in view of Sullivan '110. Although MacColl '638 provides the basic teaching of a plurality of storage pockets (22) each having a closure mechanism (36) (as described in column 5, lines 35-36 and in column 4, lines 41-44 & 58-64), MacColl '638 does not specifically disclose conditions wherein the second pocket is overlapped on the first piece and wherein the first pocket closure includes a drawstring. Sullivan '110 provides the basic teaching of a combined fabric wrap and carry bag (10) including a storage pocket (14) which is overlapped on a first piece of fabric (12) and which has a drawstring closure (22). The skilled artisan would have found it obvious at the time the invention was made to provide the combined fabric wrap and carry bag of MacColl '638 with a second pocket which is overlapped on the first piece and wherein the first pocket closure includes a drawstring in order to provide an additional alternative and equivalent means for storing the first piece of fabric as well as a simple alternative means for maintaining the first piece of fabric within the first pocket as desired.

Art Unit: 3673

11. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over MacColl '638 in view of U.S. Pat. No. 5,729,846 to Sullivan. MacColl '638 does not specifically disclose a condition wherein the first pocket (22) has a mouth on a side of the pocket other than at the one end secured to the first piece (20). Sullivan '846 provides the basic teaching of a fabric wrap (10) including a first pocket (16) secured to a first piece of fabric (12), wherein the first pocket has a mouth on a side (32) of the pocket other than at the one end (18) secured to the first piece (as shown in Figure 2). The skilled artisan would have found it obvious at the time the invention was made to provide the combined fabric wrap and carry bag of MacColl '638 with a first pocket having a mouth on a side of the pocket other than at the one end secured to the first piece in order to provide an alternative pocket configuration for readily inserting or removing the first piece of fabric and inflatable pillow as desired.

12. Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacColl '638 in view of Sullivan '110 as applied to claim 30 above, and further in view of Pope '783. MacColl '638, as modified by Sullivan '110, does not specifically disclose a condition wherein the first and second pockets are located proximal opposite side edges of the first piece of fabric. Pope '783 provides the basic teaching of a combined fabric wrap and carry bag (10) including a plurality of pockets (18 or 20, and 32) secured to a first piece of fabric (12), wherein the pockets are located proximal opposite side edges of the first piece of fabric (as shown in Figures 1 & 2). The skilled artisan would have found it obvious at the time the invention was made to provide the combined fabric wrap and carry bag of MacColl '638, as modified by Sullivan '110, with first and second pockets located proximal opposite side edges of the first

Art Unit: 3673

piece of fabric in order to provide an alternative support arrangement for a plurality of users (when the first piece of fabric is configured as a support device) as desired.

### *Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ong '570, Higashi et al. '041, Moore '462, French et al. '367, Connors '536, Sullivan '309, Haverly et al. '667, Zuehlke et al. '931, Dominique '912, Propper '273, Feldman '071, Lewis '767, Sicard '487, Sullivan '643, Ratkowski '125, Reeves et al. '513, Greer et al. '618, Wolf '947, Kwake '682, Leve '784, Longletz et al. '003, Nobles '007, Magnin '152, Tidman '584, and Barry '169.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (703) 308-7469. The examiner can normally be reached on Tu-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 3673

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Robert G. Santos  
Primary Examiner  
Art Unit 3673

R.S.  
March 26, 2004